

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MITCHELL KEITH GOODRUM,

Plaintiff

v.

STATE OF NEVADA, et al.,

Defendants

Case No.: 3:20-cv-00173-MMD-CSD

Order

Re: ECF No. 82

Plaintiff has filed a motion to correct the dates of the alleged incident in his amended complaint from March to April 1-12, 2019. (ECF No. 82.) No opposition was filed.

Plaintiff is an inmate incarcerated within the Nevada Department of Corrections (NDOC), and he is proceeding pro se with this action pursuant to 42 U.S.C. § 1983. (Am. Compl., ECF No. 16.)

In his amended complaint, Plaintiff alleges that in March of 2019, a John Doe defendant set in motion a plan to have six African American inmates rape Plaintiff. He claims that Warden Baca learned of the plan, confronted John Doe, but covered up the issue. Baca also refused to address the issue when Plaintiff raised it in a grievance. The court screened the amended complaint and allowed Plaintiff to proceed with an Eighth Amendment claim of failure to protect against Baca and John Does 1-3 (when Plaintiff learns their identities). All other claims and defendants were dismissed. (ECF No. 15.)

Plaintiff's motion seeks to correct the dates in the amended complaint as he discovered in shift logs that the conduct at issue in this litigation occurred between April 1-12, 2019, and not in March of 2019. Plaintiff's motion references Rules 26.1 and 27. However, Rules 26 and 27 of

1 the Federal Rules of Civil Procedure pertain to discovery. The court construes this as a motion
2 for leave to amend under Federal Rule of Civil Procedure 15.

3 Plaintiff's motion is **GRANTED** insofar as he has leave to file a second amended
4 complaint ONLY to correct the dates asserted in the amended complaint. Plaintiff shall not
5 include any other claims or defendants other than those that were allowed to proceed in the
6 screening order. The second amended complaint shall be complete in and of itself and shall not
7 refer to or incorporate by reference any previous complaint. Any allegations, parties, or requests
8 for relief from a prior complaint that are not carried forwarded in the second amended complaint
9 will no longer be before the court. A failure to abide by this instruction may result in the court
10 striking the second amended complaint. Plaintiff shall file his second amended complaint within
11 **14 days** of the date of this Order.

12 **IT IS SO ORDERED.**

13 Dated: March 30, 2022



Craig S. Denney
United States Magistrate Judge